IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 1602 OF 1995

1. Yashwant Aba Desai and ors. .. Petitioners
Vs.
1. The State of Maharashtra and ors. .. Respondents

Mr. S.V. Sadavarte for petitioners.
Mr. V.S. Gokhale, AGP for State.

CORAM : B. H. MARLAPALLE &
D. B. BHOSALE,JJ.

Date : March 24, 2006.

P.C.:

1. The State Government had acquired land situated at village Kitawade, Jangamhatti and Kaliwade admeasuring about 7040 sq.mtrs. for the Medium Project at Jangamhatti and the award was passed on two different dates i.e. 14/5/1992 and 31/3/1993. The State Government constructed Earthen Dam on the site at the cost of Rs.865.09 lakhs. These petitioners have sought directions for their resettlement as project affected persons from village Kitawade, Taluka Chandgad, District Kolhapur by allotting them agricultural lands and plots for construction of houses within the benefited zone of Jangamhatti Medium Project.

2. The District Re-settlement Officer, Kolhapur has filed an affidavit in reply and stated that the petitioners and other similarly situated persons have,

on their own accord, given in writing to the respondent-authorities that they did not want benefit of re-settlement and instead wanted the entire compensation for the acquisition of their lands. These statements were reduced in writing and were signed by the respective petitioners in the presence of Talathi (Resettlement) and as per the request made by the petitioners the entire amount of compensation was paid to them individually. Initially, the Government had proposed for the re-settlement of these petitioners but when the petitioners themselves voluntarily declared and gave in writing that they were not interested in the said benefit and instead they wanted to receive the entire amount of compensation, they cannot be allowed to turn back now and seek a writ from this court for the same benefit by way of an after thought. It is clear that the petitioners are seeking dual benefits which are not permissible under the Re-settlement Act and hence this petition must fail.

3. In the premises, the petition is hereby dismissed. Rule discharged with no order as to costs.

(D.B. Bhosale,J.) **(B.H. Marlapalle, J.)**